

|              |               |                |
|--------------|---------------|----------------|
| Schweikert   | Strickland    | Vela           |
| Scott (VA)   | Suozzi        | Velázquez      |
| Scott, David | Swallow       | Wagner         |
| Sewell       | Takano        | Walberg        |
| Sherman      | Tenney        | Walorski       |
| Sherrill     | Thompson (CA) | Waltz          |
| Simpson      | Thompson (MS) | Wasserman      |
| Sires        | Thompson (PA) | Schultz        |
| Slotkin      | Titus         | Waters         |
| Smith (NE)   | Tlaib         | Watson Coleman |
| Smith (NJ)   | Tonko         | Welch          |
| Smith (WA)   | Torres (CA)   | Wenstrup       |
| Smucker      | Torres (NY)   | Wexton         |
| Soto         | Trahan        | Wild           |
| Spanberger   | Trone         | Williams (GA)  |
| Spartz       | Turner        | Wilson (FL)    |
| Speier       | Underwood     | Wilson (SC)    |
| Stansbury    | Upton         | Wittman        |
| Stanton      | Valadao       | Womack         |
| Steel        | Van Drew      | Yarmuth        |
| Stefanik     | Vargas        | Young          |
| Stevens      | Veasey        | Zeldin         |

## NAYS—105

|             |              |               |
|-------------|--------------|---------------|
| Aderholt    | Foxx         | Mooney        |
| Armstrong   | Franklin, C. | Moore (AL)    |
| Arrington   | Scott        | Moore (UT)    |
| Babin       | Fulcher      | Mullin        |
| Balderson   | Gaetz        | Murphy (NC)   |
| Banks       | Gibbs        | Nehls         |
| Bergman     | Gohmert      | Norman        |
| Biggs       | Good (VA)    | Owens         |
| Bishop (NC) | Gooden (TX)  | Palazzo       |
| Boebert     | Gosar        | Palmer        |
| Brady       | Green (TN)   | Pence         |
| Brooks      | Greene (GA)  | Perry         |
| Buck        | Griffith     | Pfleger       |
| Bucshon     | Grothman     | Posey         |
| Budd        | Hagedorn     | Rice (SC)     |
| Burchett    | Harris       | Rose          |
| Burgess     | Hern         | Rosendale     |
| Carl        | Herrell      | Rouzer        |
| Carter (GA) | Hice (GA)    | Roy           |
| Carter (TX) | Hinson       | Rutherford    |
| Cawthorn    | Huizenga     | Scalise       |
| Cline       | Jackson      | Sessions      |
| Cloud       | Johnson (LA) | Smith (MO)    |
| Clyde       | Jordan       | Steil         |
| Crawford    | Keller       | Steube        |
| Curtis      | Kelly (MS)   | Stewart       |
| Davidson    | Lamborn      | Taylor        |
| DesJarlais  | Lesko        | Tiffany       |
| Donalds     | Loudermilk   | Timmons       |
| Duncan      | Mann         | Van Duyn      |
| Dunn        | Massie       | Weber (TX)    |
| Estes       | Mast         | Webster (FL)  |
| Fallon      | McCaul       | Westerman     |
| Ferguson    | McClintock   | Williams (TX) |
| Fitzgerald  | Miller (IL)  |               |
| Fleischmann | Miller (WV)  |               |

## NOT VOTING—6

|              |         |               |
|--------------|---------|---------------|
| Allen        | Issa    | Scott, Austin |
| Higgins (LA) | Salazar | Stauber       |

□ 1630

Mr. BALDERSON changed his vote from “yea” to “nay.”

So (two-thirds being in the affirmative) the rules were suspended and the bills were passed and the resolutions were agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. STAUBER. Mr. Speaker, had I been present, I would have voted “nay” on rollcall No. 212.

Mr. ALLEN. Mr. Speaker, had I been present, I would have voted “nay” on rollcall No. 212.

## MEMBERS RECORDED PURSUANT TO HOUSE RESOLUTION 8, 117TH CONGRESS

|                 |               |                  |
|-----------------|---------------|------------------|
| Aderholt        | Frankel, Lois | Granger          |
| (Moonenar)      | (Clark (MA))  | (Calvert)        |
| Buchanan        | Fulcher       | Grijalva         |
| (LaHood)        | (Simpson)     | (Stanton)        |
| DeSaulnier      | Garcia (IL)   | Johnson (TX)     |
| (Matsui)        | (Garcia (TX)) | (Jeffries)       |
| Doyle, Michael  | Gottheimer    | Jones (Williams) |
| F. (Cartwright) | (Panetta)     | (GA)             |

|                  |                 |                 |
|------------------|-----------------|-----------------|
| Kahele (Moulton) | Meng (Jeffries) | Stewart (Owens) |
| Kirkpatrick      | Napolitano      | Trone (Beyer)   |
| (Stanton)        | (Correa)        | Wilson (FL)     |
| Lawson (FL)      | Payne (Pallone) | (Hayes)         |
| (Evans)          | Ruiz (Correa)   |                 |
| McEachin         | Rush            |                 |
| (Wexton)         | (Underwood)     |                 |

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Kaitlyn Roberts, one of his secretaries.

## CONSUMER PROTECTION AND RECOVERY ACT

Mr. PALLONE. Mr. Speaker, pursuant to House Resolution 535, I call up the bill (H.R. 2668) to amend the Federal Trade Commission Act to affirmatively confirm the authority of the Federal Trade Commission to seek permanent injunctions and other equitable relief for violations of any provision of law enforced by the Commission, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. CUELLAR). Pursuant to House Resolution 535, in lieu of the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 117–11, is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

## H.R. 2668

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

*This Act may be cited as the “Consumer Protection and Recovery Act”.*

## SEC. 2. FTC AUTHORITY TO SEEK PERMANENT INJUNCTIONS AND OTHER EQUITABLE RELIEF.

(a) PERMANENT INJUNCTIONS AND OTHER EQUITABLE RELIEF.—Section 13 of the Federal Trade Commission Act (15 U.S.C. 53) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by inserting “has violated,” after “corporation”;

(B) in paragraph (2)—

(i) by striking “that” and inserting “that either (A)”; and

(ii) by striking “final,” and inserting “final; or (B) the permanent enjoining thereof or the ordering of equitable relief under subsection (e).”; and

(C) in the matter following paragraph (2)—

(i) by striking “to enjoin any such act or practice”;;

(ii) by striking “Upon” and inserting “In a suit under paragraph (2)(A), upon”;;

(iii) by striking “without bond”;;

(iv) by striking “proper cases” and inserting “a suit under paragraph (2)(B)”;;

(v) by striking “injunction.” and inserting “injunction, equitable relief under subsection (e), or such other relief as the court determines to be just and proper, including temporary or preliminary equitable relief.”;

(vi) by striking “Any suit” and inserting “Any suit under this subsection.”; and

(vii) by striking “In any suit under this section” and inserting “In any such suit”; and

(2) by adding at the end the following:

“(e) EQUITABLE RELIEF.—

“(1) RESTITUTION; CONTRACT RESCISSION AND REFORMATION; REFUNDS; RETURN OF PROPERTY.—In a suit brought under subsection (b)(2)(B), the Commission may seek, and the court may order, with respect to the violation that gives rise to the suit, restitution for losses, rescission or reformation of contracts, refund of money, or return of property.

“(2) DISGORGEMENT.—In a suit brought under subsection (b)(2)(B), the Commission may seek, and the court may order, disgorgement of any unjust enrichment that a person, partnership, or corporation obtained as a result of the violation that gives rise to the suit.

“(3) CALCULATION.—Any amount that a person, partnership, or corporation is ordered to pay under paragraph (2) with respect to a violation shall be offset by any amount such person, partnership, or corporation is ordered to pay, and the value of any property such person, partnership, or corporation is ordered to return, under paragraph (1) with respect to such violation.

“(4) LIMITATIONS PERIOD.—

“(A) IN GENERAL.—A court may not order equitable relief under this subsection with respect to any violation occurring before the period that begins on the date that is 10 years before the date on which the Commission files the suit in which such relief is sought.

“(B) CALCULATION.—For purposes of calculating the beginning of the period described in subparagraph (A), any time during which an individual against which the equitable relief is sought is outside of the United States shall not be counted.”.

(b) CONFORMING AMENDMENT.—Section 16(a)(2)(A) of the Federal Trade Commission Act (15 U.S.C. 56(a)(2)(A)) is amended by striking “(relating to injunctive relief)”.

(c) APPLICABILITY.—The amendments made by this section shall apply with respect to any action or proceeding that is pending on, or commenced on or after, the date of the enactment of this Act.

The SPEAKER pro tempore. The bill, as amended, shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce or their respective designees.

The gentleman from New Jersey (Mr. PALLONE) and the gentleman from Florida (Mr. BILIRAKIS) each will control 30 minutes.

The Chair recognizes the gentleman from New Jersey.

## GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2668.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 2668, the Consumer Protection and Recovery Act.

This legislation is essential to protect consumers and honest businesses across the country. It restores a critical tool of the Federal Trade Commission to go to court to get victimized consumers their money back and make lawbreakers return their illegal profits. The tool is section 13(b) of the Federal Trade Commission Act.

For over 40 years, section 13(b) has been the FTC's primary and most effective means to obtain relief for consumers and businesses. Over just the last 5 years alone, the FTC returned over \$11.2 billion to nearly 10 million Americans who had been scammed.

As one example, the FTC used this authority to help relieve veterans and servicemembers from crushing student debt after they were scammed by the University of Phoenix and DeVry. The agency has also returned money to seniors and other vulnerable groups often targeted by fraud. None of this would have been possible without 13(b).

Congress must act now because, in April, the Supreme Court ruled that 13(b) did not allow the FTC to seek restitution for consumers. Instead, the Court ruled that the FTC could only seek injunctions to stop bad actors from violating the law. In the case before the Court, a criminal payday lender was found to have defrauded consumers of \$1.3 billion, but that money could not legally be returned to the victims.

Without this legislation, that unjust result remains the law of the land. That is why this legislation has such broad support, including military and veterans groups, business organizations, consumer advocates, unions, and the attorneys general of 28 States, including both Republican- and Democratic-led States. That is why the FTC, during both the Trump and Biden administrations, has repeatedly and unanimously begged Congress to act to save the consumer protections afforded by 13(b).

The opponents of the bill have misrepresented and mischaracterized what this bill does, in my opinion, Mr. Speaker. The Consumer Protection and Recovery Act simply restores the FTC's ability to seek equitable monetary relief for violations of all the laws it enforces, exactly as it has done for over 40 years.

Some say these authorities are ripe for abuse. But under this bill, the FTC would not be able to bring more cases or enact more rules. The bill does not allow for civil penalties, fines, or punitive damages. Consumers can only get back what they lost, and lawbreakers only have to give up their illegal profits.

Nothing in current law can replace the authorities that the FTC has lost. The suggested alternative, section 19 of the FTC Act, does not protect consumers in all cases and requires procedural hurdles that take far too long for any meaningful relief, or any relief at all, to reach our constituents.

This bill ensures consumers are not left holding the bag when bad guys break the law. The money they get back allows hardworking families to pay rent, feed their children, buy clothes, and make ends meet.

I thank Representative CÁRDENAS for his leadership on this bill as well as Consumer Protection and Commerce Subcommittee Chair Jan Schakowsky

for all her hard work in helping us get this bill to the floor today.

Mr. Speaker, I urge all of my colleagues to put their constituents first and support the Consumer Protection and Recovery Act, and I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to this legislation.

Mr. Speaker, I had hoped to stand before you today urging my colleagues to support this legislation. Sadly, I must oppose because the expansive authority included here goes way beyond the new agency power I and my colleagues were willing to put into statute to ensure the FTC has the ability to get financial restitution to constituents who were victimized by scams as quickly as possible. So, we do agree on the concept but not the details.

Instead, this bill before us will provide the FTC with new authorities that far outpace the need supported by a consensus of the FTC Commissioners.

Even more concerning, Mr. Speaker, as we heard from the former head of the FTC's Consumer Protection Bureau, who testified before our subcommittee, it signals a return to the broad overreach we saw with the FTC in previous decades, a situation so bad that a Democratic Congress crippled the FTC's funding and stripped it of its authority at that particular time. But, alas, here we go again. History is repeating itself if this piece of legislation is passed.

Separately, H.R. 2668 has been riddled with process fouls and has ignored well-founded concerns from Republicans, including the lack of needed transparency reform and the lack of a national privacy standard, which will protect consumers. We are overdue for this, and we must have a national privacy standard as soon as possible, Mr. Speaker.

I have heard from my colleagues. They claim this bill only establishes a statute of limitations, but that simply is not the case. In fact, if you listened to the rhetoric from my Democratic colleagues, you would believe this bill was narrowly targeted at fraudsters and scammers, but that is not the case.

Under this bill, the FTC could obtain billions in penalties without ever proving that the alleged company ever knew or intended to mislead at all.

The Supreme Court ruled 9-0, a unanimous decision, that the FTC never had the authority to grant monetary relief under 13(b). Even the liberal Justices of the Court, Mr. Speaker, said that 13(b) was only designed for injunctive relief. We all agree on that.

So, let's fix it for the benefit of our consumers and any future victims. Let's make sure that they get the restitution they deserve.

An important principle of the American justice system is that the harsher the penalty is, the more due process is needed. So while I do agree with my Democratic colleagues that 13(b) pro-

vides sufficient due process for injunctive relief, the new authorities this legislation bestows on section 13(b) does not, however, provide enough due process if the penalty is monetary relief.

Perhaps therein lies my colleagues' true intent. This legislation is not really to fix a problem or restore a power but instead aims to grant the FTC with brand-new and unchecked authorities, rivaling those of the 1970s, to seek financial penalties for what it alleges is fraud and anticompetitive acts through section 13(b) of the FTC Act.

To those listening today, do not be fooled by the title of this bill. I believe it is irresponsible that the Consumer Protection and Recovery Act grants these new authorities without any guardrails to ensure due process remains a foundational American principle or to protect American companies from egregious enforcements that are not intended to protect consumers or help them recover from the harm of bad actors.

We all want to go after the bad actors, Mr. Speaker, but there must be due process.

Now, if it is a clear-cut case of fraud, like Volkswagen, then I agree that we should be able to use 13(b) to seek monetary relief, and my amendment captures such acts. That is the exception to the legal standard.

But if the FTC has to look back 10 years—and that is what we do with this particular piece of legislation, if it passes—and not have to prove there was deceptive intent, as there was in Volkswagen, then we need to ensure due process before the FTC can take money from small businesses and entrepreneurs.

I feel that that is only fair. That is why I was proud to offer a compromise during our Energy and Commerce Committee markup, which was the only portion of the markup that received bipartisan support. My amendment was the only one that received bipartisan support, and I believe it is fair and reasonable.

My amendment struck the right balance between providing the FTC with the new authorities to go after bad actors but also placed much-needed guardrails to keep the FTC from short-circuiting due process and seeking disgorgement from small businesses unaware of any potential violation.

Our small businesses are struggling, and those that conduct bad acts should be punished, absolutely should be punished. There should be restitution for the victims. But our innocent small businesses are having a hard time as it is.

□ 1645

One of my Democratic colleagues even commented that to go from 5 years to 10 years will increase the cost of businesses' errors-and-omissions insurance policies. We must consider that as well.

Now, combine that with no standards attached to the behavior in question,

and we will see even more inflation, ultimately hurting our small businesses and allowing the big guys to pass on the cost to constituents, which they most likely will do. They have the lawyers on their side, so they will pass the costs on to the constituents. We can't have that.

Without these guardrails, the FTC will create a ripple effect that will kill small businesses, unfortunately, innovation and ingenuity, while raising prices in our economy.

My amendment found the right balance, I believe, on the statute of limitations to ensure businesses are not blindsided by the assertion of claims long after the potential conduct, when evidence may no longer be available or is stale, and it is only right. Five years—I would even compromise and go a little higher, but the information must not be stale. I would say in most States, and also DOJ in some criminal cases, the statute is roughly 5 years. In most States, approximately 5 to maybe 7 years, at the most.

While shortening the statute, it also provides the FTC with a unique, equitable tolling period to allow the FTC the ability to seek monetary relief beyond the 5-year statute of limitations in the case of intentionally deceptive or fraudulent conduct. This addresses examples of the fraudulent behavior you will hear from my Democratic colleagues, when the FTC failed to act in a timely fashion. The tolling language is in my amendment.

Despite receiving bipartisan support, the majority rejected this amendment. One can only wonder if this is because it stands in the way of remaking our entire country into a managed economy and one that, again, strips due process rights from its citizens. I hope that is not the case.

Mr. Speaker, as I have said before, Republicans and Democrats both want to protect consumers. We were in Rules yesterday, and we both agreed on that; we want to protect our consumers, and we want to make sure that they get the restitution that they deserve.

I have stayed at the table to negotiate this and even offered an amendment that went a step further than the one I offered in committee. Unfortunately, it fell on deaf ears. The Rules Committee did not make my or any other Republican amendment in order today, ignoring our serious concerns.

We were concerned about pending cases, to make sure that the FTC had the time to look at all the pending cases, and that would make an exception to the statute of limitations, the 5 years. I think we thought of everything.

To my colleagues, let's work together and properly empower the FTC to protect constituents and pass a national privacy standard. This is our opportunity. As a matter of fact, the Senate is working on a bill that includes a privacy standard; a 13(b) fix, but also a privacy standard.

I urge a "no" vote on this particular piece of legislation. I want to get back to the table and get this right.

Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield 3 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY), the chairman of our Consumer Protection and Commerce Subcommittee. She has worked long and hard on this legislation.

Ms. SCHAKOWSKY. Mr. Speaker, I thank the chairman for all of his hard work. I appreciate it.

It is not every day that we get to vote for something that will have an immediate and positive impact on our constituents like the legislation that we have before us today.

The Consumer Protection and Recovery Act, introduced by TONY CÁRDENAS, is urgently needed right now to ensure that the Federal Trade Commission can protect consumers by putting money back into the pockets of victims of fraud and scams and other illegal activities.

The restitution authority under section 13(b) of the Federal Trade Commission Act has been the FTC's most effective law enforcement tool. But, unfortunately, just a few months ago, the United States Supreme Court said that somehow the law wasn't exactly written right, and if you wanted to retain that restitution authority, you had to go back and fix the law.

I do want to say that there is not a single change in the authorities to the FTC, not one. Actually, I take it back, there is one. Before there was no statute of limitations at all, and we did impose a statute of limitations.

What we know is, for 40 years when the FTC had this authority, it was able to do such fabulous things, like get back almost \$62 million for delivery drivers in its remarkable settlement with Amazon over Amazon's systemic stealing of drivers' tips.

It enabled the Federal Trade Commission to recover more than \$9.5 billion from Volkswagen and Porsche for consumers who were deceived by false advertising about vehicles fitted with illegal emissions defeat devices.

Honest businesses want this legislation because they don't want to have to compete with fraudsters and scammers.

This can't wait. We have seen new bad actors cropping up all over the country and taking money out of people's pockets. It is open season right now for scammers. Every single day that we wait, they get away with the scams and not have to put money back into people's pockets.

I urge my colleagues, join us. There are no secrets here. It is the same bill. Join us to protect consumers. There are plenty of guardrails that have gone on for 40 years, and it is time to pass this bill now.

Mr. BILIRAKIS. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. WALBERG), my good friend and a great Member. Michigan is

the home of Tom Brady; at least he went to college there, a great American. Mr. WALBERG is also a great American.

Mr. WALBERG. Mr. Speaker, I thank the gentleman, and we are glad that Brady is there. Go blue.

Mr. Speaker, I have long championed bipartisan legislation to increase consumer protections from fraud and scams, particularly for our Nation's seniors and vulnerable populations.

In April, the House passed by an overwhelming majority H.R. 1215, the Fraud and Scam Reduction Act, which I led with my friend and colleague, Representative LISA BLUNT ROCHESTER.

Our bill creates the Senior Scams Prevention Advisory Group and the Senior Fraud Advisory Office within the FTC to better assist the agency and employers with monitoring, identifying, and preventing mail, telephone, and internet fraud.

I have also championed legislation that cracks down on robocall scams and Medicaid patient abuse and fraud. These efforts are particularly important, as we saw scams increase at an alarming rate during the COVID-19 pandemic.

But I cannot support H.R. 2668, the deceptively mis-advertised bill before us today. This bill was rushed through an entirely partisan process without addressing significant concerns from Republicans to protect fundamental due process rights and prevent the FTC from operating unchecked, as it did in the 1970s.

I hoped the Energy and Commerce Committee would have had the opportunity to hear from the full slate of FTC commissioners on this bill, the same commissioners who testified in the Senate one week prior to our legislative hearing and commented on what should be included in any legislative fix to 13(b).

Make no mistake, I fully support giving the FTC necessary tools to bring just enforcement actions against fraudsters and scammers, including restitution for harmed consumers. However, H.R. 2668 gives the FTC these new expansive tools without much-needed guardrails, all under the guise of protecting our constituents.

Just this past April, in a rare 9-0 unanimous decision, the Supreme Court ruled that section 13(b) of the FTC Act does not authorize the Commission to seek, or the Court to award, monetary relief including disgorgement or restitution.

The Court stated that the Commission grossly misused its authority and encouraged Congress to address the issue with a bipartisan—and that was their term—bipartisan legislative solution.

But the bill before us today is anything but bipartisan. This bill would grant the FTC a 10-year statute of limitations for this newfound authority, allowing the FTC the ability to go after conduct that is no longer occurring in the marketplace.

There is a reason that a 5-year statute of limitations or less is standard in many Federal and State statutes. As the committee learned from the former head of the FTC's Bureau of Consumer Protection, shorter statutes protect against surprises through the assertion of claims long after the conduct, when evidence may be stale or no longer available, and encourage the timely filing of claims by regulatory agencies.

Republicans on the Energy and Commerce Committee tried countless times to work with Democrats on a compromise solution to these issues, all to no avail.

My good friend, the Republican leader of the Consumer Protection and Commerce Subcommittee, Representative BILIRAKIS, proposed a compromise amendment that would allow the FTC to go after bad actors while also respecting due process rights. His amendment even addressed the concern raised from my friends in the majority on the statute of limitations.

This was a sincere offer from Republicans to address Democrats' concerns and meet them halfway, and it even received bipartisan support in committee.

But instead of coming to the floor with a bipartisan bill, Democrats rejected our efforts and jammed through this partisan bill without consideration for its consequences.

I urge my colleagues to vote "no" on H.R. 2668. Come back to the table and work with Republicans to find a compromise solution that provides the FTC the tools to actually protect our constituents. That is what we must ask and that is what I ask.

Mr. PALLONE. Mr. Speaker, I yield 3½ minutes to the gentleman from California (Mr. CÁRDENAS), the sponsor of this legislation.

Mr. CÁRDENAS. Mr. Speaker, I thank Chairman FRANK PALLONE for this opportunity to bring the culmination of over 2 years of working on both sides of the aisle to bring this bill to fruition.

It is unfortunate that we weren't able to negotiate more into this bill and make it bipartisan, but there will be other opportunities, as we are a two-Chamber legislature, and I am sure that the Senate has some ideas about how to make this bill better, and we are all open to that opportunity.

Mr. Speaker, I would also like to thank Subcommittee Chairwoman SCHAKOWSKY for doing an extraordinary job, making sure that we shepherd this bill through the process and making sure that we keep open lines of communication on both sides of the aisle so that we can get to this point.

It is important for us to understand that this bill is about the Federal Trade Commission's ability to protect consumers from fraudsters and scammers. This means that right now scammers remain free to steal money from hardworking Americans, seniors who are falling prey every minute of the day to scams on the Internet, to

veterans who people knock on their door and appeal to them and rip them off and give them nothing for their hard-earned money after defending our honor in the military, to single moms who sign up to get a higher education so they can provide for their children, and then end up empty-handed, with nothing to show for their hard-earned money. Those are the people that 13(b), through the FTC, is going to go after and restore those funds.

□ 1700

For example, since 2016, they have restored over \$11 billion to American families from fraudsters and scammers. Yes, it is happening every single day. And it is only getting worse. And today the United States people stand naked with the ability to be able to defend themselves.

The average American family cannot afford to hire a lawyer. What the FTC does is they appeal to a Federal court and they say we have found a bad actor. We are ready to take them to task. We are ready to restore the American families that they are trying to destroy and get them their money back. That is what 13(b) is.

We have a balance of power in this country. The FTC is part of the administration. That is one balance of power. The United States Supreme Court said through a technicality, well, 13(b) should not be made available right now for the FTC to protect the American people.

And they pointed to Congress and said, well, as long as Congress will pass the law then they can do their job and protect the American people. That is what this bill is.

This bill is simply an opportunity to restore the faith of the American people in our system that when they get ripped off, whether it is in person, or on the internet or in whatever manner that some scammer is taking advantage of our American people, the FTC is going to be there to speak up for them, to defend them, and take that money back and put it in the pockets of those individuals who have been ripped off. That is what 13(b) is.

Today, I am very proud, as an American-born citizen, the son of immigrants, to be a Member of Congress, to be able to do the work that we are doing today to get this bill out of the House of Representatives. I urge every Member of this House to please help restore the faith of the American people in us and our system and make sure that they understand that we speak for them, we hear them, and we know how they feel when they get ripped off. And the FTC is going to be there through 13(b) to restore the American people and give them the money that was stolen from them.

Mr. BILIRAKIS. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE), a great member of the Energy and Commerce Committee.

Mr. PENCE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to H.R. 2668. I agree with my Democratic colleagues that the FTC should be reasonably equipped with tools to protect consumers. Today, the FTC has been able to return \$25 million to Hoosiers that have fallen victim to fraudulent schemes.

However, as currently written the bill before the House today goes beyond the FTC's previous use of 13(b).

The bill lacks sufficient guardrails that would provide checks and balances to the Commission's expanded authority.

Meanwhile, we haven't had the opportunity to discuss this legislation with the full Commission in an open and transparent hearing.

During the markup process we offered several commonsense amendments in a good faith effort to improve the bill.

These amendments would have created thresholds of FTC authority and clarifying definitions to ensure provisions in this bill could not be abused.

Unfortunately, these reforms were not supported by the majority.

I am concerned that rushing this legislation through the House may lead to higher costs for small businesses without improving protections for the consumers, which is what we all want to do.

I urge my colleagues to oppose the underlying bill.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. CASTOR).

Ms. CASTOR of Florida. Mr. Speaker, our neighbors back home are tired of the scam artists ripping them off, so I rise in strong support of H.R. 2668, the Consumer Protection and Recovery Act. I thank Representative CÁRDENAS, Chair SCHAKOWSKY, and Chair PALLONE for moving this bill swiftly to the floor.

H.R. 2668 fixes a glitch in the laws governing the Federal Trade Commission. Now the FTC is one of our most important consumer watchdog agencies, and for 40 years the FTC has been able to recover ill-gotten gains and restitution for consumers, but a recent Supreme Court decision kind of threw it back to Congress for us to clarify the FTC's authority.

This is very important. This is the authority that allows the FTC to rightfully recover moneys for consumers when fraudsters cheat them out of it. And this is especially important for seniors, folks in the Active Duty military, veterans, and others because they are often targeted by scams like telemarketer credit card scams, those scam artists that claim that we are working for a charitable organization that is going to help disabled police officers or disabled military, these false, fake cures that say, pay us this money and you are going to be cured of your Type 2 diabetes or you won't be in pain anymore. It is so wrong.

The FTC is working overtime. They have particularly been working overtime during the COVID pandemic because there have been so many scams and frauds.

We have got to pass this bill so that we can empower the FTC to get people's money back. It is that simple.

In fact, in my home State of Florida, just since July 2018, the FTC helped recover over \$81 million for over 540,000 Floridians.

So if Members don't support this legislation, you are just giving a green light to the fraudsters to steal from consumers without penalty.

That is wrong. We can't let that happen.

I urge my colleagues to pass H.R. 2668.

Mr. BILIRAKIS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Washington (Mrs. RODGERS), our great ranking member of the Energy and Commerce Committee.

Mrs. RODGERS of Washington. Mr. Speaker, I thank the gentleman for yielding and for his leadership on the subcommittee.

I rise today, unfortunately, in strong opposition to H.R. 2668, the Consumer Protection and Recovery Act, which represents a missed opportunity for both our committee and this Chamber.

Energy and Commerce has historically been the committee of bipartisanship and compromise. Unfortunately, this bill fails to meet that standard in the committee's rich history.

The legislation before us today is another go-it-alone approach that we have come to expect from House Democratic leadership.

In all my time on the committee, I am not sure I have seen so many process fouls or so much disregard for the minority as I have with H.R. 2668.

It fails to include an amendment put forward by Representative GUS BILIRAKIS, our fearless leader and ranking member on the subcommittee that received bipartisan support in our committee markup.

H.R. 2668 has been shadowed by a series of procedural fouls beginning with the intentional exclusion of Republican FTC commissioners from Energy and Commerce's hearing on this legislation as opposed to the Senate Commerce Committee hearing where they were invited to discuss 13(b) authority at length 1 week before.

Perhaps the Republican commissioners were excluded from our hearing because the majority did not want to hear the truth about their bill.

If the majority had led a better, more fair process, this legislation would have been significantly improved or at least built on the trust that we could come together on solutions crafted around sound legal arguments and analysis by all the proper experts.

To be clear, I share the goal of H.R. 2668, to protect people from scammers. But this bill is missing much-needed guardrails that the committee Republicans offered as amendments.

My biggest concern with this legislation, it fails to prioritize due process and ensuring proper analysis. This bill was pushed through a subcommittee

markup without a good-faith effort to address the real concerns that we were raising.

We were given less than a week's notice late on Friday before the markup, and shortly before that DOJ sent us incomplete answers to a letter addressing the legitimate concerns raised by our members. This was followed by what seemed like a coordinated response to our questions for the record from FTC Acting Chair Slaughter shortly thereafter.

Mr. Speaker, committee members on both sides of the aisle received just 38 hours of notice regarding the inclusion of this legislation during a full committee markup resulting in criticism from both sides of the aisle.

I doubt many Members of this House believe Congress should operate in this manner. I do think we can all agree that both Republicans and Democrats want to protect people from malicious actors and that the FTC must have the necessary tools to do so.

H.R. 2668 grants FTC brand-new authorities under section 13(b) of the FTC Act, to seek financial penalties for what it alleges is fraud and anti-competitive behavior. It does so without the inclusion of guardrails to protect due process. This is a huge, missed opportunity to enact a national privacy standard.

Last Congress, Senator WICKER rightfully identified privacy and 13(b) reform as policies that could be easily legislated together and should. Even this bill's prime sponsor, Mr. CÁRDENAS, acknowledged his effort to include a national privacy standard with a legislative fix for 13(b).

We must do our job. We cannot have California dictating policy for the other 49 States.

If my colleagues are so concerned about urgently granting the FTC with new authorities to protect people, why aren't we urgently passing a national standard, which we all agree will protect their data privacy?

This legislation fails to address much-needed FTC reforms, to increase transparency, establish a national privacy framework, and ensure due process. There should be no lack of will to take on fraudsters, scammers, and abusers of our personal information.

We need to sit down, work it out, and move comprehensive FTC reform legislation forward together.

I urge my colleagues to vote "no." We can do better.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. MCNERNEY).

Mr. MCNERNEY. Mr. Speaker, I rise today in support of H.R. 2668, the Consumer Protection and Recovery Act, and I am going to urge quick passage of this legislation.

H.R. 2668 would restore the Federal Trade Commission's authority under section 13(b) to go after those who have stolen money from consumers and enable the agency to get this money back to the consumers.

Restoring this authority is in line with bipartisan FTC leadership requests, congressional intent, and over 40 years of practice.

And restoring this authority is especially important for congressional districts like mine where many are struggling to pay the rent and put food on the table.

Prior to the Supreme Court decision, the FTC had used this essential authority to return more than \$11 billion to consumers who had fallen victim to unfair, deceptive, and fraudulent practices; and that is just since 2016.

The FTC currently has pending before it investigations that could result in returning \$2 billion to consumers if this is restored.

Furthermore, the COVID-19 pandemic has made the need for this legislation even more urgent. During the pandemic, we have seen a rise in scams that prey on consumers' fears and financial insecurities.

Consumers who have been defrauded deserve to get their money back. We owe it to them to move quickly and pass H.R. 2668.

I thank Representative CÁRDENAS for his hard work and leadership on this legislation and Chairwoman SCHAKOWSKY and Chairman PALLONE for moving this piece of legislation today. I also thank the Democratic staff of the House Energy and Commerce Committee for all their hard work on this bill.

I urge my colleagues to vote "yes" on this legislation.

Mr. BILIRAKIS. Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield 4 minutes to the gentleman from Oregon (Mr. SCHRADER).

□ 1715

Mr. SCHRADER. Mr. Speaker, I ask that Chairman PALLONE engage in a colloquy with me on the effect of this bill on small businesses.

Mr. Speaker, I support the purpose of the Consumer Protection and Recovery Act to allow the FTC to get money back for consumers who have been harmed by violations of FTC laws.

I am concerned that small business owners who inadvertently harm customers will, on top of paying restitution, however, get hit with unreasonable penalties for what was essentially an honest mistake.

As a small business owner, I know how difficult it can be to keep up with all the rules and regulations that small businesses must abide by. And I think we should only allow civil penalties for punitive damages where bad actors knowingly violate the law.

Mr. Speaker, I ask the chairman to clarify the extent of this bill with respect to small businesses.

Mr. PALLONE. Will the gentleman yield?

Mr. SCHRADER. I yield to the gentleman from New Jersey.

Mr. PALLONE. Mr. Speaker, I thank the gentleman from Oregon for the question.

The intent of this bill is to restore the FTC's authority to secure restitution not to pile penalties onto small businesses that make an honest mistake.

We want to allow the FTC to ensure consumers who are harmed by a violation of the law are made whole. So let me be clear. This bill does not allow the FTC to impose civil penalties or punitive damages. It only allows for equitable remedies, putting everything back the way it was before the violation occurred.

When the FTC is going after truly bad actors who intentionally preyed on consumers, it would need to use the authority under a different part of its statute to seek penalties and also meet the burden of proof required under that additional authority.

And another important point is that this bill actually protects honest small businesses from having to compete against unscrupulous companies that break the law to give themselves an unfair advantage. So this bill gives the FTC back the tools it needs to ensure a level playing field in the marketplace.

I thank the gentleman from Oregon for engaging on this bill and working with us on our shared goal of protecting American consumers.

Mr. SCHRADER. Mr. Speaker, I thank the gentleman for his assurances that the intent of this bill is to protect consumers and not to hurt honest small businesses by subjecting them to excessive penalties.

Mr. BILIRAKIS. Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Miss RICE).

Miss RICE of New York. Mr. Speaker, I rise in strong support of H.R. 2668, the Consumer Protection and Recovery Act.

This legislation would restore a key authority of the Federal Trade Commission, which allows it to return money to consumers who have been defrauded by scammers. The FTC has used this authority to protect consumers for the past 40-plus years. It is often senior citizens, veterans, and other vulnerable members of society who tend to be victims of scams, that benefit most from the FTC's ability to return money.

But as a result of the Supreme Court's decision, defrauded consumers are no longer being protected. Instead, they are being left out in the cold at one of the worst possible times.

Around 327,000 people have filed a fraud complaint linked to the COVID-19 pandemic, according to FTC data. And those victims have lost a combined \$488 million. Scammers are taking advantage of the public health crisis and the Court's decision is hampering the FTC's efforts to combat this fraud.

That is why it is critical that we pass H.R. 2668 to restore the FTC's authority to seek equitable relief by amend-

ing section 13(b) of the Federal Trade Commission Act to provide the FTC with express authority to obtain both injunctive and monetary equitable relief.

I thank my colleague on the Committee on Energy and Commerce, Representative CÁRDENAS, for introducing this bill, and I urge my colleagues to support it.

Mr. BILIRAKIS. Mr. Speaker, I continue to reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. NADLER), who is the chairman of the Committee on the Judiciary, and I thank him, also, for working with us on this legislation.

Mr. NADLER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of the Consumer Protection and Recovery Act.

This legislation is essential to promoting the Federal Trade Commission's mission to enforce antitrust law and to protect consumers. For decades, the commission has secured monetary relief for victims of unfair, deceptive, and anticompetitive conduct, such as pharmaceutical companies blocking access to lower-cost drugs.

In a recent example, the FTC returned nearly \$60 million to patients suffering from opioid addiction. But a few months ago, the Supreme Court severely weakened one of the FTC's most vital tools for protecting consumers and deterring bad conduct by ruling that the FTC could not seek monetary relief under one of the key statutes that it enforces. This legislation would reverse the Court's decision and would restore one of the Commission's critical tools for fighting monopolists and protecting consumers.

Mr. Speaker, I commend the bill's sponsor, Mr. CÁRDENAS, and I thank Chairman PALLONE and Chairwoman SCHAKOWSKY for their leadership to address this urgent problem, and I urge my colleagues to support this important legislation.

Mr. BILIRAKIS. Mr. Speaker, I will continue to reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island (Mr. CICILLINE), who is the chairman of the Judiciary Subcommittee on Antitrust, Commercial and Administrative Law.

Mr. CICILLINE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of H.R. 2668, the Consumer Protection and Recovery Act.

This critical legislation restores the authority of the Federal Trade Commission to hold wrongdoers accountable under section 13(b) of the FTC Act.

Until recently, this statute authorized the Commission to obtain monetary relief when a corporation has harmed consumers or businesses by breaking the law. For more than four decades, the FTC used this critical en-

forcement tool to secure billions of dollars in relief for consumers that were harmed by anticompetitive conduct or unfair or deceptive practices.

In the past 5 years alone, the FTC has secured \$11.2 billion in refunds to consumers through this enforcement tool. As Commissioner Rebecca Kelly Slaughter recently testified, these important cases involved combating anticompetitive practices by pharmaceutical companies that contribute to the soaring costs of prescription drugs, abusive scams targeting veterans and older Americans, and numerous other examples of harmful conduct. However, the Supreme Court severely weakened this tool in a recent decision where it narrowed the scope of section 13(b) to cases involving ongoing harms.

H.R. 2668 will reverse this disastrous ruling by reinstating FTC's authority to obtain both injunctive and monetary relief for all violations of the law that it enforces. And what is really interesting when I listened to my colleagues on the other side of the aisle, every single speaker said, of course, consumers should get their money back. Of course, the FTC should have this power. And then they express their intention to vote against the bill to do exactly that—restore the power of the FTC to in fact provide that kind of relief.

I thank Congressman CÁRDENAS for sponsoring this bill. I thank Chairman PALLONE and Chairwoman SCHAKOWSKY for their extraordinary leadership. This bill is about protecting competition across our economy from Big Tech to Big Pharma.

Mr. Speaker, I urge my colleagues to stand with consumers and those that have been harmed by deceptive, unfair, anticompetitive practices, and let those consumers and small businesses be made whole.

Mr. Speaker, I urge passage of this bill.

Mr. BILIRAKIS. Mr. Speaker, I will continue to reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. PORTER), who is a strong advocate for consumers.

Ms. PORTER. Mr. Speaker, when I was a law professor at U.C. Irvine, I wrote a 600-page textbook on consumer protection. And luckily for everyone, you do not need to read the book to understand one fundamental truth: Nobody likes to get cheated; not Republicans, not Democrats; not young, not old; not White, not Brown, not Black. Nobody likes to get cheated.

But when consumers do get cheated, the only way they get justice is if they get their money back. The Federal Trade Commission has used its authority under section 13(b) of the FTC Act to return literally billions of dollars to victims of a wide range of scams; everything from telemarketing fraud to companies lying about how their products can be used to prevent or treat COVID.



If a wrongdoer steals from you, it is the FTC's job to put your money back into your pocket. The Consumer Protection and Recovery Act lets the FTC return to doing just that.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we need due process in this particular bill. I believe that this bill is incomplete. We do have to protect the honest small businesses in this country. As a matter of fact, I heard just yesterday, from over 100 small businesses, and they have real serious concerns, legitimate concerns about this particular bill. This bill is not ready for prime time at this particular time. As I said, it is incomplete.

Mr. Speaker, we must go after the bad actors. There must be restitution for our victims—there is no question—but it has to be fair, with a fair and reasonable legal standard.

Mr. Speaker, on that particular note, with regard to the legal standard, former head of the FTC Consumer Protection Bureau and committee witness, Dr. Howard Beales stated that a reasonable person standard was an appropriate standard to include in any restitution or disgorgement legislation.

He testified that this will ensure that the FTC focuses its efforts on bad actors, not honest small business people, but bad actors when using its limited resources to bring these claims.

Mr. Speaker, I yield the balance of my time to the gentleman from Illinois (Mr. RODNEY DAVIS).

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, I thank my good friend, Mr. BILIRAKIS, for yielding.

Mr. Speaker, H.R. 1, the Democrats' so-called For the People Act, would create a public money slush fund using corporate fines to fund political campaigns, including their own.

Based on numbers from the last election cycle, H.R. 1 would add up to an average of \$7.2 million into each Congressional candidate's campaign.

My motion would ensure any fines collected by the Federal Trade Commission under this bill would go to the victims of fraud and not be used as a pathway to fund Congressional campaign coffers—victims, like the thousands of students that were cheated out of \$62 million by a debt relief scam recently prosecuted by the FTC; or the patients with liver disease who spent thousands on a supplement that was deceptively marketed as a treatment; or those struggling with opioid abuse who were part of a scheme that overcharged them for medication to help minimize withdrawal symptoms.

The FTC has worked to ensure these victims are compensated. But if H.R. 1 were to become law, many of these fine structures would be weaponized to boost public funds given to candidates to pay for their campaign mailers, political consultants, and even attack ads. Our focus should be on assisting victims, not using public dollars to fund our own campaigns. Again, based on numbers from the 2020 cycle, that is

up to \$7.2 million per Congressional candidate.

H.R. 1 is often touted by my Democrat colleagues and the media as voting rights legislation. This is the furthest thing from the truth. How does weaponizing our victim compensation system to line the pockets of politicians help people vote, or really help people at all?

Mr. Speaker, if we adopt this motion to recommit, we will instruct the Committee on Energy and Commerce to consider my amendment to H.R. 2668 that would prevent any public funds collected because of this bill from going into the campaign coffers of Members of Congress or Congressional candidates, and instead, keep the fines' process focused on helping the victims of fraud.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment into the RECORD immediately prior to the vote on the motion to recommit.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, I urge support for the motion to recommit at the appropriate time and a "no" vote on the underlying bill.

Mr. BILIRAKIS. Mr. Speaker, I urge a "no" vote on the underlying bill, and I yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, to go back to this bill, I know my colleague from Illinois—who I like a lot—was talking about H.R. 1, but let's go back to this bill.

I know that there have been a lot of statements on the other side of the aisle about, why this bill? They didn't like the process; they didn't like what we were doing. But, look, the bottom line is very simple here. For many years, the FTC was going after bad actors and those who were committing fraud and scamming consumers, and they were basically getting the money back that was stolen from the consumers and giving it back to those consumers in a form of restitution.

The Supreme Court ruled they couldn't continue to do that, not because the Court thought it was a bad idea, but they just didn't think the statutory language allowed it. And since that time, the FTC—both under Democrat and Republican administrations—is asking us to restore that ability of the FTC to seek restitution and give money back to the consumers who were defrauded.

□ 1730

There is nothing else here. That is exactly what we are doing. Nothing more.

I don't really understand the opposition that is coming from the Republican side of the aisle because we are just making it possible for the FTC to do its job effectively, which they were doing for so many years when they re-

covered billions and billions of dollars for consumers.

I would say look at the language, look at what we are actually doing here, and please support this bill because this is good for everybody in this country, regardless of whether they are Democrat or Republican, or their ideology. This is not ideological. This is a practical way to help the average person.

Mr. Speaker, I urge support, and I yield back the balance of my time.

Ms. ESHOO. Mr. Speaker, I rise in strong support of H.R. 2668, the Consumer Protection and Recovery Act. This legislation restores the Federal Trade Commission's (FTC) authority to protect consumers and businesses from scammers.

In April 2021, the Supreme Court ruled that the FTC can no longer use section 13(b) of the FTC Act to ensure monetary relief to Americans who have fallen victim to fraudsters and scammers. This ruling gutted the FTC's authority and we must act quickly to restore it. The FTC has returned \$11.2 billion to consumers in the last five years alone, and since 2018, the FTC has recovered more than \$171 million dollars for almost one million Californians. Section 13(b) has also helped veterans who have been defrauded by for-profit colleges and provided relief to low-income families gouged by payday lenders.

The FTC has relied on this authority for four decades, and if Congress does not act with urgency, millions more Americans will fall victim to fraudsters with no pathway to reprieve. The urgency of this situation cannot be underscored enough. There is more than \$2 billion dollars in 24 pending cases that are currently threatened by the FTC no longer having this authority.

If Congress is to protect consumers across every state in every district, then we must act now. I urge my colleagues to support this bill and vote yes.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 535, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

#### MOTION TO RECOMMIT

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Rodney Davis of Illinois moves to recommit the bill H.R. 2668 to the Committee on Energy and Commerce.

The material previously referred to by Mr. RODNEY DAVIS of Illinois is as follows:

At the end of the committee print, insert the following:

#### SEC. 3. PROHIBITION ON USE OF FUNDS FOR CAMPAIGN FINANCE.

No amounts may be assessed on funds collected pursuant to the amendments made by section 2 for purposes of making payments in support of a campaign for election for the office of Senator or Representative in, or Delegate or Resident Commissioner to, Congress.

The SPEAKER pro tempore. Pursuant to clause 2(b) of rule XIX, the previous question is ordered on the motion to recommit.

The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 207, nays 217, not voting 6, as follows:

[Roll No. 213]

#### YEAS—207

|               |                 |               |
|---------------|-----------------|---------------|
| Aderholt      | Gohmert         | Miller-Meeks  |
| Allen         | Gonzales, Tony  | Moolenaar     |
| Amodi         | Gonzalez (OH)   | Mooney        |
| Armstrong     | Good (VA)       | Moore (AL)    |
| Arrington     | Gooden (TX)     | Moore (UT)    |
| Babin         | Gosar           | Mullin        |
| Bacon         | Granger         | Murphy (NC)   |
| Baird         | Graves (LA)     | Nehls         |
| Balderson     | Graves (MO)     | Newhouse      |
| Banks         | Green (TN)      | Norman        |
| Barr          | Greene (GA)     | Nunes         |
| Bentz         | Griffith        | Obernolte     |
| Bergman       | Grothman        | Owens         |
| Bice (OK)     | Guest           | Palazzo       |
| Biggs         | Guthrie         | Palmer        |
| Bilirakis     | Hagedorn        | Pence         |
| Bishop (NC)   | Harris          | Perry         |
| Boebert       | Harshbarger     | Pfuger        |
| Bost          | Hartzler        | Posey         |
| Brady         | Hern            | Reed          |
| Brooks        | Herrell         | Reschenthaler |
| Buchanan      | Herrera Beutler | Rice (SC)     |
| Buck          | Hice (GA)       | Rodgers (WA)  |
| Bucshon       | Hill            | Rogers (KY)   |
| Budd          | Hinson          | Rose          |
| Burchett      | Hollingsworth   | Rosendale     |
| Burgess       | Hudson          | Rouzer        |
| Calvert       | Huizenga        | Roy           |
| Cammack       | Issa            | Rutherford    |
| Carl          | Jackson         | Salazar       |
| Carter (GA)   | Jacobs (NY)     | Scalise       |
| Carter (TX)   | Johnson (LA)    | Schweikert    |
| Cawthorn      | Johnson (OH)    | Sessions      |
| Chabot        | Johnson (SD)    | Simpson       |
| Cheney        | Jordan          | Smith (MO)    |
| Cline         | Joyce (OH)      | Smith (NE)    |
| Cloud         | Joyce (PA)      | Smith (NJ)    |
| Clyde         | Katko           | Smucker       |
| Cole          | Keller          | Spartz        |
| Comer         | Kelly (MS)      | Stauber       |
| Crawford      | Kelly (PA)      | Steel         |
| Crenshaw      | Kim (CA)        | Stefanik      |
| Curtis        | Kinzinger       | Steffens      |
| Davidson      | Kustoff         | Steube        |
| Davis, Rodney | LaHood          | Stewart       |
| DesJarlais    | LaMalfa         | Taylor        |
| Diaz-Balart   | Lamborn         | Tenney        |
| Donalds       | Latta           | Tiffany       |
| Duncan        | LaTurner        | Timmons       |
| Dunn          | Lesko           | Turner        |
| Emmer         | Letlow          | Upton         |
| Estes         | Long            | Valadao       |
| Fallon        | Loudermilk      | Van Drew      |
| Feenstra      | Lucas           | Van Dyne      |
| Ferguson      | Luetkemeyer     | Wagner        |
| Fischbach     | Mace            | Walberg       |
| Fitzgerald    | Malliotakis     | Walorski      |
| Fitzpatrick   | Mann            | Waltz         |
| Fleischmann   | Massie          | Weber (TX)    |
| Fortenberry   | Mast            | Webster (FL)  |
| Fox           | McCarthy        | Wenstrup      |
| Franklin, C.  | McCaul          | Westerman     |
| Scott         | McClain         | Williams (TX) |
| Fulcher       | McClintock      | Wilson (SC)   |
| Gaetz         | McHenry         | Wittman       |
| Gallagher     | McKinley        | Womack        |
| Garbarino     | Meijer          | Young         |
| Garcia (CA)   | Meuser          | Zeldin        |
| Gibbs         | Miller (IL)     |               |
| Jimenez       | Miller (WV)     |               |

#### NAYS—217

|                 |                 |                |
|-----------------|-----------------|----------------|
| Adams           | Golden          | Ocasio-Cortez  |
| Aguilar         | Gonzalez,       | Omar           |
| Allred          | Vicente         | Pallone        |
| Auchincloss     | Gottheimer      | Panetta        |
| Axne            | Green, Al (TX)  | Pappas         |
| Barragán        | Grijalva        | Pascrell       |
| Bass            | Harder (CA)     | Payne          |
| Beatty          | Hayes           | Perlmutter     |
| Bera            | Higgins (NY)    | Peters         |
| Beyer           | Himes           | Phillips       |
| Bishop (GA)     | Horsford        | Pingree        |
| Blumenauer      | Houlahan        | Pocan          |
| Blunt Rochester | Hoyer           | Porter         |
| Bonamici        | Huffman         | Pressley       |
| Bourdeaux       | Jackson Lee     | Price (NC)     |
| Bowman          | Jacobs (CA)     | Quigley        |
| Boyle, Brendan  | Jayapal         | Raskin         |
| F.              | Jeffries        | Rice (NY)      |
| Brown           | Johnson (GA)    | Ross           |
| Brownley        | Johnson (TX)    | Roybal-Allard  |
| Bush            | Jones           | Ruiz           |
| Bustos          | Kahele          | Ruppersberger  |
| Butterfield     | Kaptur          | Rush           |
| Carbajal        | Keating         | Ryan           |
| Cárdenas        | Kelly (IL)      | Sánchez        |
| Carson          | Khanna          | Sarbanes       |
| Carter (LA)     | Kildee          | Scanlon        |
| Cartwright      | Kilmer          | Schakowsky     |
| Case            | Kim (NJ)        | Schiff         |
| Casten          | Kind            | Schneider      |
| Castor (FL)     | Kirkpatrick     | Schrader       |
| Castro (TX)     | Krishnamoorthi  | Schrier        |
| Chu             | Kuster          | Scott (VA)     |
| Cielline        | Lamb            | Scott, David   |
| Clark (MA)      | Langevin        | Sewell         |
| Clarke (NY)     | Larsen (WA)     | Sherman        |
| Cleaver         | Larson (CT)     | Sherrill       |
| Clyburn         | Lawrence        | Sires          |
| Cohen           | Lawson (FL)     | Slotkin        |
| Connolly        | Lee (CA)        | Smith (WA)     |
| Cooper          | Lee (NV)        | Soto           |
| Correa          | Leger Fernandez | Spanberger     |
| Costa           | Levin (CA)      | Speier         |
| Courtney        | Levin (MI)      | Stansbury      |
| Craig           | Lieu            | Stanton        |
| Crist           | Lofgren         | Stevens        |
| Crow            | Lowenthal       | Strickland     |
| Cuellar         | Luria           | Suozzi         |
| Davids (KS)     | Lynch           | Swalwell       |
| Davis, Danny K. | Malinowski      | Takano         |
| Dean            | Maloney,        | Thompson (CA)  |
| DeFazio         | Carolyn B.      | Thompson (MS)  |
| DeGette         | Maloney, Sean   | Titus          |
| DeLauro         | Manning         | Tlaib          |
| DelBene         | Matsui          | Tonko          |
| Delgado         | McBath          | Torres (CA)    |
| Demings         | McCollum        | Torres (NY)    |
| DeSaulnier      | McEachin        | Trahan         |
| Deutch          | McGovern        | Trone          |
| Dingell         | McNerney        | Underwood      |
| Doggett         | Meeks           | Vargas         |
| Doyle, Michael  | Meng            | Veasey         |
| F.              | Mfume           | Vela           |
| Escobar         | Moore (WI)      | Velázquez      |
| Eshoo           | Morelle         | Wasserman      |
| Espallat        | Moulton         | Schultz        |
| Evans           | Mrvan           | Waters         |
| Fletcher        | Murphy (FL)     | Watson Coleman |
| Foster          | Nadler          | Welch          |
| Frankel, Lois   | Napolitano      | Wexton         |
| Gallego         | Neal            | Wild           |
| Garamendi       | Neguse          | Williams (GA)  |
| Garcia (IL)     | Newman          | Wilson (FL)    |
| Garcia (TX)     | Norcross        | Yarmuth        |

#### NOT VOTING—6

|              |             |               |
|--------------|-------------|---------------|
| Gomez        | O'Halleran  | Scott, Austin |
| Higgins (LA) | Rogers (AL) | Thompson (PA) |

□ 1802

Ms. CHU, Messrs. DANNY K. DAVIS of Illinois, BLUMENAUER, Mses. CRAIG, OCASIO-CORTEZ, and Mr. PASCRELL changed their vote from “yea” to “nay.”

Mr. RICE of South Carolina, Ms. HERRELL, Messrs. FEENSTRA, OBERNOLTE, and GREEN of Tennessee changed their vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

#### MEMBERS RECORDED PURSUANT TO HOUSE RESOLUTION 8, 117TH CONGRESS

|                 |                  |                 |
|-----------------|------------------|-----------------|
| Buchanan        | Granger          | McEachin        |
| (LaHood)        | (Calvert)        | (Wexton)        |
| DeSaulnier      | Grijalva         | Meng (Jeffries) |
| (Matsui)        | (Stanton)        | Napolitano      |
| Doyle, Michael  | Johnson (TX)     | (Correa)        |
| F. (Cartwright) | (Jeffries)       | Payne (Pallone) |
| Frankel, Lois   | Jones (Williams) | Ruiz (Correa)   |
| (Clark (MA))    | (GA))            | Rush            |
| Fulcher         | Kahele (Moulton) | (Underwood)     |
| (Simpson)       | Kirkpatrick      | Stewart (Owens) |
| Garcia (IL)     | (Stanton)        | Trone (Beyer)   |
| (Garcia (TX))   | Lawson (FL)      | Wilson (FL)     |
|                 | (Evans)          | (Hayes)         |

The SPEAKER pro tempore. The question is on passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DUNN. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 221, nays 205, not voting 4, as follows:

[Roll No. 214]

#### YEAS—221

|                 |                 |               |
|-----------------|-----------------|---------------|
| Adams           | Escobar         | Maloney,      |
| Aguilar         | Eshoo           | Carolyn B.    |
| Allred          | Espallat        | Maloney, Sean |
| Auchincloss     | Evans           | Manning       |
| Axne            | Fletcher        | Matsui        |
| Barragán        | Foster          | McBath        |
| Bass            | Frankel, Lois   | McCollum      |
| Beatty          | Gaetz           | McEachin      |
| Bera            | Gallego         | McGovern      |
| Beyer           | Garamendi       | McNerney      |
| Bishop (GA)     | Garcia (IL)     | Meeks         |
| Blumenauer      | Garcia (TX)     | Meng          |
| Blunt Rochester | Golden          | Mfume         |
| Bonamici        | Gomez           | Moore (WI)    |
| Bourdeaux       | Gonzalez,       | Morelle       |
| Bowman          | Vicente         | Moulton       |
| Boyle, Brendan  | Gottheimer      | Mrvan         |
| F.              | Green, Al (TX)  | Murphy (FL)   |
| Brown           | Grijalva        | Nadler        |
| Brownley        | Harder (CA)     | Napolitano    |
| Bush            | Hayes           | Neal          |
| Bustos          | Higgins (NY)    | Neguse        |
| Butterfield     | Himes           | Newman        |
| Carbajal        | Horsford        | Norcross      |
| Cárdenas        | Houlahan        | O'Halleran    |
| Carson          | Hoyer           | Ocasio-Cortez |
| Carter (LA)     | Huffman         | Omar          |
| Cartwright      | Jackson Lee     | Pallone       |
| Case            | Jacobs (CA)     | Panetta       |
| Casten          | Jayapal         | Pappas        |
| Castor (FL)     | Jeffries        | Pascrell      |
| Castro (TX)     | Johnson (GA)    | Payne         |
| Chu             | Johnson (TX)    | Perlmutter    |
| Cielline        | Jones           | Peters        |
| Clark (MA)      | Kahele          | Phillips      |
| Clarke (NY)     | Kaptur          | Pingree       |
| Cleaver         | Keating         | Pocan         |
| Clyburn         | Kelly (IL)      | Porter        |
| Cohen           | Khanna          | Pressley      |
| Connolly        | Kildee          | Price (NC)    |
| Cooper          | Kilmer          | Quigley       |
| Correa          | Kim (NJ)        | Raskin        |
| Costa           | Kind            | Rice (NY)     |
| Courtney        | Kirkpatrick     | Ross          |
| Craig           | Krishnamoorthi  | Roybal-Allard |
| Crist           | Kuster          | Ruiz          |
| Crow            | Lamb            | Ruppersberger |
| Cuellar         | Langevin        | Rush          |
| Davids (KS)     | Larsen (WA)     | Ryan          |
| Davis, Danny K. | Larson (CT)     | Sánchez       |
| Dean            | Lawrence        | Sarbanes      |
| DeFazio         | Lawson (FL)     | Scanlon       |
| DeGette         | Lee (CA)        | Schakowsky    |
| DeLauro         | Lee (NV)        | Schiff        |
| DelBene         | Leger Fernandez | Schneider     |
| Delgado         | Levin (CA)      | Schrader      |
| Demings         | Levin (MI)      | Schrier       |
| DeSaulnier      | Lieu            | Scott (VA)    |
| Deutch          | Lofgren         | Scott, David  |
| Dingell         | Lowenthal       | Sewell        |
| Doggett         | Luria           | Sherman       |
| Doyle, Michael  | Lynch           | Sherrill      |
| F.              | Malinowski      | Sires         |



Slotkin  
Smith (WA)  
Soto  
Spanberger  
Speier  
Stansbury  
Stanton  
Stevens  
Strickland  
Suozi  
Swalwell  
Takano  
Thompson (CA)

Thompson (MS)  
Titus  
Tlaib  
Tonko  
Torres (CA)  
Torres (NY)  
Trahan  
Trone  
Underwood  
Van Drew  
Vargas  
Veasey  
Vela

Velázquez  
Wasserman  
Schultz  
Waters  
Watson Coleman  
Welch  
Wexton  
Wild  
Williams (GA)  
Wilson (FL)  
Yarmuth

# MEMBERS RECORDED PURSUANT TO HOUSE RESOLUTION 8, 117TH CONGRESS

|                                   |  |  |
|-----------------------------------|--|--|
| Buchanan<br>(LaHood)              | Granger<br>(Calvert)                         | McEachin<br>(Wexton)                                       |
| DeSaulnier<br>(Matsui)            | Grijalva<br>(Stanton)                        | Meng (Jeffries)<br>Napolitano<br>(Correa)                  |
| Doyle, Michael<br>F. (Cartwright) | Johnson (TX)<br>(Jeffries)                   | Payne (Pallone)<br>Ruiz (Correa)<br>Rush<br>(Underwood)    |
| Frankel, Lois<br>(Clark (MA))     | Jones (Williams<br>(GA))                     | Stewart (Owens)<br>Trone (Beyer)<br>Wilson (FL)<br>(Hayes) |
| Fulcher<br>(Simpson)              | Kahele (Moulton)<br>Kirkpatrick<br>(Stanton) |  |
| Garcia (IL)<br>(Garcia (TX))      | Lawson (FL)<br>(Evans)                       |  |

portantly, in support of life, an unalienable right endowed by our Creator.

For over 40 years, Democrats and Republicans have come together to include the commonsense prohibition on taxpayer-funded abortions, better known as the Hyde amendment.

President Biden himself was a vocal backer of the Hyde amendment during his decades in the Senate.

Because of Hyde, 2.5 million lives have been saved and afforded the chance to reach their God-given potential.

Yet, as we stand here today, House Democrats are advancing an annual funding bill that shockingly abandons the longstanding Hyde amendment.

It shouldn't be controversial to spare precious babies and give taxpayers the assurance that their hard-earned money is not used for abortions.

Therefore, Mr. Speaker, I ask unanimous consent that the Committees on Energy and Commerce, Ways and Means, and the Judiciary be discharged from further consideration of H.R. 18, and ask for its immediate consideration in the House.

The SPEAKER pro tempore. Under guidelines consistently issued by successive Speakers, as recorded in section 956 of the House Rules and Manual, the Chair is constrained not to entertain the request unless it has been cleared by the bipartisan floor and committee leaderships.

□ 1830

## SAVE OAK FLAT

(Ms. LEGER FERNANDEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LEGER FERNANDEZ. Mr. Speaker, I rise today to save Oak Flat. Oak Flat is a sacred land for the San Carlos Apache Tribe, a land deserving of protection under our Historic Preservation Act.

The Resolution Copper Mine, a Chinese company, will completely destroy the sacred area and leave behind 1.4 billion tons of mine tailings waste and create a crater 1.8 miles long and 1,000 feet deep.

We have to ask ourselves, will we allow a foreign-owned mining company to create such destruction? Will we allow them to devastate a sacred land so they can export American natural resources to China for their profit?

No.

This project would use enormous amounts of water and will produce toxic waste that will destroy ecosystems in the area and change the landscape forever.

We must stand against foreign companies destroying traditional cultural landscapes. We should not grant China this competitive edge.

I urge my colleagues to support H.R. 1884, the Save Oak Flat Act, so we can protect this Tribal sacred area.

## NAYS—205

Aderholt  
Allen  
Amodel  
Armstrong  
Arrington  
Babin  
Bacon  
Baird  
Balderson  
Banks  
Barr  
Bentz  
Bergman  
Bice (OK)  
Biggs  
Bilirakis  
Bishop (NC)  
Boebert  
Bost  
Brady  
Brooks  
Buchanan  
Buck  
Bucshon  
Budd  
Burchett  
Burgess  
Calvert  
Cammack  
Carl  
Carter (GA)  
Carter (TX)  
Cawthorn  
Chabot  
Cheney  
Cline  
Cloud  
Clyde  
Cole  
Comer  
Crawford  
Crenshaw  
Curtis  
Davidson  
Davis, Rodney  
DesJarlais  
Diaz-Balart  
Duncan  
Dunn  
Emmer  
Estes  
Fallon  
Feenstra  
Ferguson  
Fischbach  
Fitzgerald  
Fitzpatrick  
Fleischmann  
Fortenberry  
Foxy  
Franklin, C.  
Scott  
Fulcher  
Gallagher  
Garbarino  
Garcia (CA)  
Gibbs  
Gimenez  
Gohmert

Gonzales, Tony  
Gonzalez (OH)  
Good (VA)  
Gooden (TX)  
Gosar  
Granger  
Graves (LA)  
Graves (MO)  
Green (TN)  
Greene (GA)  
Griffith  
Grothman  
Guest  
Guthrie  
Hagedorn  
Harris  
Harshbarger  
Hartzler  
Hern  
Herrell  
Herrera Beutler  
Hice (GA)  
Hill  
Hinson  
Hollingsworth  
Hudson  
Huizenga  
Issa  
Jackson  
Jacobs (NY)  
Johnson (LA)  
Johnson (OH)  
Johnson (SD)  
Jordan  
Joyce (OH)  
Joyce (PA)  
Katko  
Keller  
Kelly (MS)  
Kelly (PA)  
Kim (CA)  
Kinzinger  
Kustoff  
LaHood  
LaMalfa  
Lamborn  
Latta  
LaTurner  
Lesko  
Letlow  
Long  
Loudermilk  
Lucas  
Luetkemeyer  
Mace  
Malliotakis  
Mann  
Massie  
Mast  
McCarthy  
McCaul  
McClain  
McClintock  
McHenry  
McKinley  
Meijer  
Meuser  
Miller (IL)  
Miller (WV)

Miller-Meeks  
Moolenaar  
Mooney  
Moore (AL)  
Moore (UT)  
Mullin  
Murphy (NC)  
Nehls  
Newhouse  
Norman  
Nunes  
Obernolte  
Owens  
Palazzo  
Palmer  
Pence  
Perry  
Pfluger  
Posey  
Reed  
Reschenthaler  
Rice (SC)  
Rodgers (WA)  
Rogers (KY)  
Rose  
Rosendale  
Rouzer  
Roy  
Rutherford  
Salazar  
Scalise  
Schweikert  
Sessions  
Simpson  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smucker  
Spart  
Stauber  
Steel  
Stefanik  
Steil  
Steube  
Stewart  
Taylor  
Tenney  
Thompson (PA)  
Tiffany  
Timmons  
Turner  
Upton  
Valadao  
Van Duyn  
Wagner  
Walberg  
Walorski  
Waltz  
Weber (TX)  
Webster (FL)  
Wenstrup  
Westerman  
Williams (TX)  
Wilson (SC)  
Wittman  
Womack  
Young  
Zeldin

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 289

Mr. NORCROSS. Mr. Speaker, I ask unanimous consent that Representative OBERNOLTE's name be withdrawn as a cosponsor of H. Res. 289.

The SPEAKER pro tempore (Mr. CARTER of Louisiana). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

## ALLOW MEDICARE TO NEGOTIATE DRUG PRICES

(Ms. WILD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WILD. Mr. Speaker, we hear a lot of talk about the soaring costs of prescription drugs, but we seldom hear about the sad fact that Medicare is not allowed to negotiate prescription drug prices.

Earlier this month, drug companies announced yet another painful price hike on critical medications. The soaring price of prescription drugs is crushing Americans at the pharmacy counter, driving up health insurance premiums and creating unaffordable costs for taxpayers, who finance Medicare. That is right. We, the people, fund Medicare. Yet, due to an antiquated law, Medicare has to pay drug prices without the right to negotiate.

That is why, last week, I led a group of my colleagues in sending a letter to leadership, demanding that Medicare negotiation of drug prices be included in the upcoming reconciliation bill.

This is common sense, and it is long overdue.

According to the CBO, allowing Medicare to negotiate drug prices would save American taxpayers \$456 billion in just the first 10 years alone, with those savings heading right back into the pockets of American families. And it would bring down drug prices for all Americans, not just Medicare recipients. Together, we can get this done.

## REQUEST TO CONSIDER H.R. 18, NO TAXPAYER FUNDING FOR ABOR- TION ACT

(Mr. WALBERG asked and was given permission to address the House for 1 minute.)

Mr. WALBERG. Mr. Speaker, I rise today in support of taxpayers and, im-

## NOT VOTING—4

Donalds  
Higgins (LA)

Rogers (AL)  
Scott, Austin

□ 1822

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.